

Filed for intro on 02/02/95
House Bill _____
By _____

Senate No. SB0454
By Koella

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to the punishment for the offense of driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following as a new subsection:

() Notwithstanding the provisions of subsection (a), a person violating Tennessee Code Annotated, Section 55-10-401, who, at the time of such offense, had fifteen-hundredths of one percent (.15%), or more, by weight of alcohol in such person's blood shall be punished as follows:

(1) For the first offense such person shall be:

(A) fined not less than seven hundred dollars (\$700) nor more than three thousand dollars (\$3,000);

(B) confined in the county jail or workhouse for not less than ninety-six (96) hours nor more than eleven (11) months and twenty-nine (29) days; and

(C) prohibited from driving a motor vehicle in the state of Tennessee for a period of two (2) years.

(2) For the second offense such person shall be:

(A) fined not less than one thousand two hundred dollars (\$1,200) nor more than seven thousand dollars (\$7,000);

(B) confined in the county jail or workhouse for not less than ninety (90) days nor more than eleven (11) months and twenty-nine (29) days; and

(C) prohibited from driving a vehicle in the state of Tennessee for a period of four (4) years.

(3) For the third or subsequent offense such person shall be:

(A) fined not less than two thousand two hundred dollars (\$2,200) nor more than twenty thousand dollars (\$20,000);

(B) confined in the county jail or workhouse for not less than eight (8) months nor more than eleven (11) months and twenty-nine (29) days; and

(C) prohibited from driving a vehicle in the state of Tennessee for a period of not less than six (6) years nor more than twenty (20) years.

The provisions of subsection (a)(1) relative to court-ordered inpatient alcohol and drug treatment for second offenders, subsection (a)(1) authorizing litter removal after service of the minimum sentence, and subsections (b)-(o) of this section shall also apply to a person sentenced under this subsection.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.